

REMARKS

Claims 1-12 are pending.

By this Amendment, the Abstract, Figure 9, and Claims 1-4 are amended, and Claims 5-12 are added.

Claims 1-4 are amended to address formalities therein, Claim 1 is also amended to incorporate a feature illustrated in Figure 8, new dependent Claim 5 includes a feature from original dependent Claim 4, new dependent Claim 9 includes another feature from original dependent Claim 4, and new dependent Claims 6-8 and 10-12 correspond to original dependent Claims 2-4 and the subject matter recited therein to the extent such features are not recited in Claims 5 and 9.

Accordingly, Applicants respectfully submit that no new matter is presented herein.

In the Drawings

Figure 9 has been amended to correct the lead line for reference numeral 70 to properly identify the end plate.

Abstract

The Abstract is amended merely to address informalities therein. Enclosed herein is a Substitute Abstract and a marked up copy of the originally filed Abstract is also presented herein indicating the changes made thereto.

Accordingly, Applicant respectfully submits that no new matter is presented herein.

Claim Rejections – 35 U.S.C. §102

A. Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by PCT/JP04/09713 (see United States Published Patent Application Number 2008/0202447 to Kochi et al.). Applicants respectfully traverse the rejection for the following reason(s).

Applicants respectfully note that Kochi was published on March 5, 2008, and the instant application was filed in the United States Patent Office on January 9, 2007. That is, the instant patent application was filed nearly 14 months before Kochi was published. Therefore, Applicants respectfully submit that Kochi cannot be cited in rejecting Claims 1-4 under 35 U.S.C. §102(b). In particular, Applicants note that the instant application claims priority from the July 10, 2003 filing date of Japanese Patent Application Numbers 2003-273028. The Notice of Acceptance of application under 35 U.S.C. 371 and 37 C.F.R. 1.495 dated February 6, 2007 indicates the Patent Office has received a certified copy of the priority document. Also, applicants note Kochi derives priority from Japanese Patent Applications that were also filed on July 10, 2003.

However, what is germane to the instant rejection is that Kochi and the instant application share a common inventor. Tadafumi HIROSE; **and** a common owner/Assignee, that is, HONDA MOTOR CO., LTD. (see Reel 018774/Frame 0188 for the instant application and Reel 021140/Frame 0420 for Kochi).

In view of the above, Applicants respectfully submit the belief that the rejection under 35 U.S.C. §102(b) is improper and should have been a “provisional” double patenting type rejection.

Therefore, Applicants enclose herein a properly executed Terminal Disclaimer disclaiming the terminal portion of any patent issuing from the instant application that extends beyond the term of any patent issuing from Kochi.

Accordingly, Applicants respectfully request withdrawal of the rejection.

B. Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by PCT/JP04/09715 (see United States Published Patent Application Number 2008/0176426 to Hirose et al.). Applicants respectfully traverse the rejection for the following reason(s).

Applicants respectfully note that Hirose was published on March 28, 2007, and the instant application was filed in the United States Patent Office on January 9, 2007. That is, the instant patent application was filed over two (2) months before Hirose was published. Therefore, Applicants respectfully submit that Hirose cannot be cited in rejecting Claims 1-4 under 35 U.S.C. §102(b). In particular, Applicants note that the instant application claims priority from the July 10, 2003 filing date of Japanese Patent Application Numbers 2003-273028. The Notice of Acceptance of application under 35 U.S.C. 371 and 37 C.F.R. 1.495 dated February 6, 2007 indicates the Patent Office has received a certified copy of the priority document. Also, Applicants note Hirose derives priority from Japanese Patent Applications that were also filed on July 10, 2003.

However, what is germane to the instant rejection is that Hirose and the instant application share a common inventor. Tadafumi HIROSE; **and** a common owner/Assignee, that is, HONDA MOTOR CO., LTD. (see Reel 018774/Frame 0188 for the instant application and Reel 01949/Frame 0108 for Hirose).

In view of the above, Applicants respectfully submit the belief that the rejection under 35 U.S.C. §102(b) is improper and should have been a “provisional” double patenting type rejection.

Therefore, Applicants enclose herein a properly executed Terminal Disclaimer disclaiming the terminal portion of any patent issuing from the instant application that extends beyond the term of any patent issuing from Hirose.

Accordingly, Applicants respectfully request withdrawal of the rejection.

Claim Rejections – 35 U.S.C. §103

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent Number 6,801,425 to Buck et al. (Buck). Applicants respectfully traverse the rejection for at least the following reason(s).

Claim 1 recites, among other features, an engine-driven generator formed by supporting on a frame an engine and a generator driven by the engine, wherein the frame is formed by integrally connecting via a cross member, lower side sections of a pair of left and right side frames each formed by bending a steel pipe into a U-shape, a control box is detachably mounted on open end parts of the two side frames at free ends in order to reinforce the frame.

That is, Claim 1 clearly recites the left and right side frames are each formed by bending a steel pipe into a U-shape. See Fig. 8 clearly shows an embodiment of the U-shaped left and right side frames.

Moreover, Claim 1 clearly recites that the control box is detachably mounted on open end parts of the two side frames at free ends. Again, Figure 8 clearly shows an embodiment of the two side frames in that the open end parts of

the side frames are free ends. The control box 38 is detachably mounted on or at such free, open end parts of the side frames in order to reinforce the entire frame by connecting the open end parts of side frames to each other.

Owing to the structural arrangement recited by Claim 1, as described in the original text at page 3, paragraph [0011], the frame can be made lightweight by simplifying the structure of the frame and reinforcing the frame by using the control box, which may house and support an electrical component, and it is therefore possible to provide a lightweight engine-driven generator having a simple structure.

Buck fails to teach or suggest such features. That is, the frame structure shown in Figure 1 of Buck does not have such free ends of side frames that can be used to detachably mount a control box.

Accordingly, Applicants respectfully submit that Claim 1 is not rendered obvious by Buck and is in condition for allowance.

Claims 2-12 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-12, and the prompt issuance of a Notice of Allowability are respectfully solicited.

U.S. Patent Application Number 10/561,615
Attorney Docket Number 107348.00546

Should the Examiner believe anything further is desirable in order to place the application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348.00546.**

Respectfully submitted,



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Enclosures: Terminal Disclaimers (2)